

## **JUNIOR ACCESSORY DWELLING UNIT ORDINANCE (2018-02)**

**SECTION TWO.** Title 30 (Zoning) of the Encinitas Municipal Code (EMC) shall be amended as follows.

Add new definition for “Junior Accessory Dwelling Unit” to EMC Chapter 30.04 (Definitions):

JUNIOR ACCESSORY DWELLING UNIT shall mean a residential dwelling unit that is no more than 500 square feet in area, contained entirely within an existing single-family residence, and with separate sanitation facilities from, or shared sanitation facilities with, the existing residence.

Add new EMC Section 30.48.040U and renumber existing EMC Sections 30.48.040U through 30.48.040Z:

### **U. Junior Accessory Dwelling Units**

1. One junior accessory dwelling unit may be permitted in conjunction with an existing, previously constructed single-family residence on lots zoned for single-family or multifamily use.
2. A junior accessory dwelling unit may be permitted on a lot where an accessory dwelling unit exists.
3. A junior accessory dwelling unit shall not be sold separately from the primary residence.
4. A junior accessory dwelling unit may be rented, but only with a rental agreement with terms greater than 30 days.
5. The owner of a lot with a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the junior accessory dwelling unit, except where the primary dwelling and junior accessory dwelling are held by an agency such as a land trust or housing organization in an effort to create affordable housing.
6. Junior Accessory Dwelling Unit Development Standards
  - a. A junior accessory dwelling unit shall not exceed 500 square feet in total floor area.
  - b. A junior accessory dwelling unit shall be contained entirely within an existing single-family residence.
  - c. Creation of a junior accessory dwelling unit must include the conversion of an existing bedroom.
  - d. A junior accessory dwelling unit shall be provided with a separate exterior entry.
  - e. An interior connection to the main living area of the primary residence shall be maintained. A second door may be added for sound attenuation.

- f. A junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
    - i. A sink with a maximum waste line of one and one-half (1.5) inches.
    - ii. A cooking facility with appliances that do not require electrical service greater than 120 volts or natural or propane gas.
    - iii. A food preparation counter and storage cabinets that are reasonable to the size of the unit.
  - g. No additional parking shall be required for a junior accessory dwelling unit other than that required when the existing primary residence was constructed.
  - h. The junior accessory dwelling unit may share a bath/sanitation facility with the primary residence or have its own.
- 7. Except as provided herein, a junior accessory dwelling unit shall comply with all local building and fire code requirements, as appropriate.
- 8. Junior accessory dwelling units shall not be required to provide fire sprinklers or fire attenuation specifications if they are not required for the primary residence. An inspection to confirm that the junior accessory dwelling unit complies with development standards may be assessed.
- 9. No sewer or water connection fees shall be required for the development of a junior accessory dwelling unit. An inspection to confirm that the junior accessory dwelling unit complies with development standards may be assessed.
- 10. Prior to issuance of a building permit for a junior accessory dwelling unit, a covenant shall be recorded between the owner and the City of Encinitas agreeing to the terms stipulated in this chapter. The covenant shall specifically mention that:
  - a. The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit.
  - b. The junior accessory unit may be rented, but only with a rental agreement with terms greater than 30 days.
  - c. The junior accessory unit is limited to the size and attributes set forth by this Section.
  - d. The owner of record of the property shall occupy the primary dwelling unit or the junior accessory dwelling unit, except where the primary dwelling and junior accessory dwelling are held by an agency such as a land trust or housing organization in an effort to create affordable housing.
  - e. The covenant shall be binding upon any successors in interest or ownership of the property and lack of compliance with the provisions thereof may result in legal action against the property owner, including revocation of the right to maintain a junior accessory dwelling unit on the property.

11. Applications for junior accessory dwelling units conforming to the requirements of this section shall be considered ministerially without discretionary review or a hearing, and the City shall approve or deny such applications within 120 calendar days after receiving the completed application.
12. Junior accessory dwelling units shall be exempt from the requirements of undergrounding overhead utilities and public right-of-way dedication and improvements.